

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT DEREK LURCH, JR.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
THE CITY OF NEW YORK, et al.,	:
	:
Defendants.	:
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23-CV-5249 (JHR) (OTW)

ORDER

ONA T. WANG, United States Magistrate Judge:

On April 25, 2024, I issued an Order denying Defendants' request to adjourn Plaintiff's deposition, made less than 17 hours before the scheduled deposition. (ECF 63). In that order, I noted that complying with an Order to Produce comes at a cost to both taxpayers and correctional facility personnel, and takes the incarcerated person out of their usual schedule. *Id.* Defendants filed a letter on April 29, 2024, requesting that I reconsider my Order and grant their motion to take Plaintiff's deposition on May 6, 2024. (ECF 65). Defendants' motion for reconsideration is **GRANTED**, and upon reconsideration, Plaintiff's deposition shall be held on **Monday, May 6, 2024**.

The Court notes, however, that notice of the details provided in ECF 65 regarding steps Defendants took to re-schedule Plaintiff's deposition, such as conferring with Cayuga Correctional Facility on April 19, 2024, and serving Plaintiff with a revised Notice of Deposition on April 22, 2024, should have been timely provided to the Court. The Court further notes that because Plaintiff is incarcerated and *pro se*, and was only served on April 22, 2024, he, like the

Court, likely did not know of the changed deposition date ahead of April 25, 2024, the date it was to be conducted.

Defendants are directed to serve a copy of this order on *pro se* Plaintiff, and file proof of same on the docket.

SO ORDERED.

Dated: New York, New York
April 30, 2024

/s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge